

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

04 Cr. 219 (DAB)

Against

VILMA BIDO,

Defendant,

VILMA BIDO'S SENTENCING MEMORANDA

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November 18, 2009

Honorable Deborah A. Batts
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: United States v. Vilma Bido
08 Cr. 242 (DAB)

Dear Judge Batts:

This submission is made in behalf of Vilma Bido, who will appear before your Honor for sentencing on November 23, 2009, following her conviction pursuant to a plea of guilty to conspiring to distribute and possess with intent to distribute heroin and conspiring to commit money laundering. We do not take issue with the calculations of the Guidelines as stated in the Pre-Sentence report (PSR).

“It has been uniform and constant in the federal judicial tradition for the sentencing judge to consider every convicted person as an individual and every case as a unique study in the human failings that sometimes mitigate, sometimes magnify, the crime and the punishment to ensue. We do not understand it to have been the congressional purpose to withdraw all sentencing discretion from the United States District Judge”. *United States v. Koon* 518 U.S.81, 116

Defendant respectfully requests that the court impose a non-Guideline sentence below that advised by Guideline calculation. The overarching mandate of 18 U.S.C. 3553 (a) (1) is for consideration of the nature and circumstances of the offense and the history and characteristics of the defendant. “The sentencing court does not enjoy the benefit of a legal presumption that the Guidelines sentence should apply.” *United States v. Booker* 543 U.S. 220,259-260.

1. The nature and circumstances of the offense and history and characteristics of defendant.

As indicated in the Pre-sentence report, in late 2003 Ms. Bido became reacquainted with her estranged husband of many years Gustavo Sierra, a co-defendant in this case. And at the request of Mr. Sierra, Ms. Bido did meet and accept cash

Honorable Deborah A. Batts

November 18, 2009

Page 2

payments intended for Mr. Sierra while he was away in the Dominican Republic, from individuals, that distributed narcotics previously supplied by Sierra.

Ms. Bido's history reveals an individual with a strong work ethic, and a commitment to family. The illegal activities which bring her before this Court are certainly an aberration from the way she has lived her life. Ms. Bido resides with her college age daughter. She is in a meaningful relationship, and she has been continually and meaningfully employed since her release from custody almost five years ago.

The task of sentencing is not an easy thing. Ms. Bido is not a sophisticated or intellectually gifted woman, and she was susceptible to the strong influence of her former husband.

In the end, I recognize and respect the Court's discretion to fashion an appropriate sentence, recognizing that such a decision may be one of the most difficult ones a judge confronts. Accordingly, I ask that in making that decision the Court weighs the circumstances surrounding the offense and consider the many years of gainful and lawful existence exhibited by Ms. Bido, prior to and after the offense of conviction.

If you have any questions please call me at (212) 966-3970.

Very truly yours,

Donald D. duBoulay

Cc: Sarah Lai, AUSA
Vilma Bido